

1 THE HONORABLE ROBERT J. BRYAN
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ELDON W. HOLCK and JACQUELINE M.
11 HOLCK, husband and wife,

12 Plaintiffs,

13 v.

14 CARRIER CORPORATION, et al.,

15 Defendants.

16 NO 3:13-cv-05905-RJB

17 DEFENDANT CBS CORPORATION'S
18 FED. R. CIV. P. 26(a)(1) INITIAL
19 DISCLOSURE

20 Defendant CBS Corporation, f/k/a Viacom, Inc., successor by merger to CBS, a
21 Pennsylvania corporation, f/k/a Westinghouse Electric Corporation (hereinafter "CBS") makes
22 the following initial disclosures in accordance with Federal Rule of Civil Procedure 26(a)(1).

23 **PRELIMINARY STATEMENT**

24 Federal Rule of Civil Procedure 26(a)(1) requires the disclosure of the existence of
25 documents and identification of individuals that the disclosing party "may use to support its
claims and defenses, unless solely for impeachment."

26 In accordance with the above requirements, and without waiver of the attorney-client
27 privilege or any other applicable privilege or doctrine, CBS makes the following Rule 26(a)(1)
28 initial disclosures based upon the knowledge and information now reasonably available to it.
29 CBS's investigation and discovery in this case are continuing. Accordingly, CBS reserves the

1 right to clarify, amend or supplement the information contained in these initial disclosures in
 2 accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court. These
 3 initial disclosures are provided without prejudice to CBS's right to introduce at a hearing or at
 4 trial any evidence that is subsequently discovered.

5 To the extent Plaintiffs seek production of any confidential or proprietary business
 6 information or materials identified herein, such information will be produced only upon the entry
 7 of a mutually agreeable protective order. CBS objects to the disclosure requirements to the
 8 extent they call for the production of information protected by privilege, and all requirements
 9 will be read to exclude production of information so protected. CBS makes these initial
 10 disclosures without waiving any of its objections under the Federal Rules of Evidence or the
 11 Federal Rules of Civil Procedure including objections as to relevance or admissibility.

12 **I. Individuals Likely to Have Discoverable Information.**

13 CBS is presently aware of the following individuals likely to have knowledge of
 14 discoverable information that it may use to support its defenses or who have otherwise provided
 15 testimony relevant to this litigation:

NAME	ADDRESS	SUBJECT MATTER
J. David Conrad	1706 Demetree Drive Winter Park, Florida 32789	Mr. Conrad has knowledge of relevant facts and personal knowledge of certain work sites throughout the country, but is also an expert based on his specialized knowledge, skill and training.
Roy Belanger	4013 Case Grande Way San Jose, CA 98118	This individual has personal knowledge of relevant facts as a former employee of Westinghouse and its affiliates or expertise based on specialized knowledge, skill and training. His knowledge may further be based on a review of pertinent documents currently available which relate to the equipment at issue, as well as a review of pertinent corporate depositions of former employees of Westinghouse who may have had personal knowledge of relevant issues herein.

NAME	ADDRESS	SUBJECT MATTER
Joseph A. Falcon, P.E.	Consulting Power Engineers 17155 Roundhill Drive Huntington Beach, California 92649-4216	Mr. Falcon is a mechanical engineer with over forty years experience in the power and energy fields. Mr. Falcon has personal knowledge of relevant facts but is also an expert based upon his specialized knowledge, skill, and training.
John Goumas	910 Truepenny Road Media, Pennsylvania 19063	Mr. Goumas has personal knowledge of relevant facts, but is also an expert based upon his specialized knowledge, skill, and training. Mr. Goumas, a retired Westinghouse engineer, may testify, either live or by deposition, about general matters concerning the design, manufacture, sales, and installation of Westinghouse steam turbine generators.
Mark Perriello	11 Stanwix Street Pittsburgh, PA 15222	Mr. Perriello has personal knowledge of relevant facts but is also an expert based upon his specialized knowledge, skill, and training. He may testify generally regarding industrial hygiene issues.
Charles Reep	3066 Ladovie N.E. Atlanta, Georgia 30345	Mr. Reep, an engineer, has knowledge of relevant facts and personal knowledge of certain work sites throughout the country, but is also an expert based on his specialized knowledge, skill, and training.
John Spencer	Environmental Profiles, Inc. 813 Frederick Road Baltimore, Maryland 21228	Mr. Spencer may testify, either live or by deposition, about the nature of the size, construction, layout, and working environment in Plaintiff's work site.
John Tabbutt	Iscosa Industries and Maintenance LTD. P.O. Box 1032 Dammam, Kingdom of Saudi Arabia 31431	Mr. Tabbutt has knowledge of relevant facts and personal knowledge of certain work sites throughout the country but is also an expert based on his specialized knowledge, skill, and training.
Wayne Bickerstaff	1241 Sumac Street Westmoreland City, Pennsylvania 15692	Mr. Bickerstaff has personal knowledge of relevant facts but is also an expert based upon his specialized knowledge, skill, and training.

1	NAME	ADDRESS	SUBJECT MATTER
2	Harry Comerford	Marine Division 401 East Hendy Avenue Post Office Box 3499 (EW-1) Sunnyvale, California 94088	Mr. Comerford has personal knowledge of relevant facts but is also an expert based upon his specialized knowledge, skill, and training.
3	James E. Duncan	401 E. Hendy Avenue Sunnyvale, California 94088	James Duncan is a marine engineer who worked for private ship lines and, beginning in 1965, for Westinghouse as a marine service engineer.
4	James M. Gate	401 East Hendy Avenue Sunnyvale, CA 94088-3499	Mr. Gate has personal knowledge of relevant facts but is also an expert based upon his specialized knowledge, skill, and training.
5	Jim Sanderlin	JTS Associates 300 Helen Street Hampton, SC 29224	Mr. Sanderlin was employed in sales with the Westinghouse Micarta Division in Hampton, South Carolina.
6	Tom Shaw	LMC Plastisource P.O. Box 6710 Philadelphia, Pennsylvania 19132	Mr. Shaw has personal knowledge of relevant facts but is also an expert based upon his specialized knowledge, skill, and training.
7	Dennis Weisenburger	University of Nebraska Medical Center Department of Pathology and Microbiology 600 South 42nd Street Omaha, NE 68198-3135	Dr. Weisenburger is the Director of Hematopathology and serves as a consulting pathologist for the International Consortium of Investigators working on Lymphoma Epidemiologic Studies (interLymph).
8	Stephen M. Ayres, M.D.	Chairman, Department of Internal Medicine St. Louis University School of Medicine 1325 Grand Avenue St. Louis, Missouri 63104	Dr. Ayres is a medical expert in internal medicine with knowledge of state-of-the-medical-art; knowledge of clinical aspects of pulmonary diseases; effects of smoking; studies of and medical literature regarding lung diseases, including cancer, mesothelioma, and asbestosis.
9	Oscar Auerbach, M.D. (By videotape deposition or by live testimony)	East Orange Veteran's Administration Hospital S.M.I. Laboratory (151B) East Orange, NJ 07019	Dr. Auerbach is a pathologist with knowledge of the pathology of pulmonary diseases, including, but not limited to, asbestosis, mesothelioma, lung cancer, chronic bronchitis and emphysema.
10	Hector Battifora, M.D.	Division of Pathology City of Hope National Medical Center 1500 East Duarte Road	Dr. Battifora is an anatomic pathology expert with knowledge of the pathology of pulmonary disease, including asbestosis, mesothelioma and lung cancer, as well as

1	NAME	ADDRESS	SUBJECT MATTER
2		Duarte, CA 91010	knowledge of electron microscopy techniques and immunohistochemical techniques.
3	Roger Beckett (By live testimony or by deposition)	Industrial Hygienist Naval Regional Medical Center, Code 430 Bremerton, WA 98314	Mr. Beckett is an industrial hygienist at Puget Sound Naval Shipyard (PSNS) who has knowledge of The U.S. Government's awareness of potential health hazards associated with the use of asbestos-containing products at government shipyards; workplace conditions at PSNS; health studies conducted at PSNS relative to asbestos exposure; and the PSNS program to control asbestos exposure.
4	Daniel Bessmer	Retired Industrial Hygienist 6700 Stampede Blvd NW Seattle, WA 98310	Mr. Bessmer is a retired industrial hygienist and former head of the Industrial Hygiene Department at Puget Sound Naval Shipyard (PSNS) and former industrial hygienist at several other naval shipyards.
5	Robert Burdick, M.D.	The Polyclinic 1200 Harvard Avenue Seattle, Washington 98122	Dr. Burdick is a medical oncologist who may testify to the cause, nature, diagnosis, prognosis and treatment of malignant diseases.
6	Phillip Cagle, M.D. Associate Professor	Baylor College of Medicine Department of Pathology One Baylor Plaza, Rm. 286A Houston, Texas	Dr. Cagle is a specialist in pathology with knowledge of the diagnosis, causation, and clinical aspects of pulmonary diseases, the history and development of the medical state-of-the-art, the pathology of cancer and disease processes, the effects of smoking, and the medical literature regarding smoking and regarding pulmonary diseases and cancer.
7	Darryl Carter, M.D.	c/o Yale University School of Medicine Department of Pathology P.O. Box 208070 New Haven, CT 06520-8070	Dr. Carter is a board-certified pathologist with knowledge of the pathology of pulmonary diseases, including, but not limited to, asbestosis, mesothelioma, lung cancer, chronic bronchitis, and emphysema.
8	Jeffrey M. Cary, M.D.	801 Broadway, #814 Seattle, Washington 98122	Dr. Cary is a medical expert as to pulmonary and other diseases and has a "B" reader designation.
9	Kenneth Casey, M.D.	The Mason Clinic, 8 North 1100 Ninth Avenue Seattle, WA 98101	Dr. Casey is a pulmonologist and a "B" reader. He is an expert in pulmonary diseases and the X-ray findings associated

NAME	ADDRESS	SUBJECT MATTER
		with pneumoconioses.
Andrew Churg, M.D., Ph.D. (By live testimony or by deposition)	Department of Pathology Health Sciences Centre Hospital University of British Columbia 2211 Westbrook Mail Vancouver, B.C. CANADA V6T 1W5	Dr. Churg is a pathologist with knowledge of the pathology of pulmonary diseases, including asbestosis, mesothelioma, lung cancer, chronic bronchitis and emphysema.
Joseph Cimino, M.D.	Department of Community and Preventive Medicine at New York Medical College Valhalla, New York	Dr. Cimino, professor and chairman of the Department of Community and Preventive Medicine at New York Medical College, has knowledge of state-of-the-medical-art; clinical aspects of pulmonary diseases; effects of smoking; studies of and medical literature regarding lung diseases, including cancer, mesothelioma, and asbestosis.
Thomas Colby, M.D.	Mayo Clinic Department of Pathology 200 1st Street SW Rochester, MN 55905	Dr. Colby is a pathologist with knowledge of the pathology of pulmonary diseases, including, but not limited to, asbestosis, mesothelioma, lung cancer, chronic bronchitis and emphysema.
W. Clark Cooper, M.D. (By live testimony or by deposition)	2150 Shattuck Avenue Berkeley, California	Dr. Cooper has knowledge of internal medicine, occupational disease, industrial hygiene, state-of-the-medical-art involving asbestos-related diseases, and the clinical and epidemiological aspects of pulmonary diseases and asbestos-related diseases.
John E. Craighead, M.D. (By live testimony or by deposition)	1845 Four Winds Road Ferrisburg, Vermont 05456 Phone: (802) 425-3480	Dr. Craighead is a pathologist with knowledge of asbestos-related diseases, pulmonary diseases, cancer and the relationship between asbestos fibers and asbestos-related disease.
J.N.P. Davies, M.D.	5 Pine Street Albany, New York	Dr. Davies has knowledge of state-of-the-medical-art; clinical aspects of pulmonary diseases; effects of smoking; studies of and medical literature regarding lung diseases, including cancer, mesothelioma and asbestosis.
Harry P. Demopoulos, M.D.	Associate Professor of Pathology New York University	Dr. Demopoulos has knowledge of and may testify regarding the following: the state-of-the-medical-art; clinical aspects of

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	Medical Center 550 First Avenue New York, New York 10016	pulmonary diseases; and the clinical aspects, diagnosis, causation, studies of, and medical literature regarding lung diseases, particularly cancer, as may be associated with asbestos, smoking and otherwise, both generally and in the context of Mr. Holck's medical condition.
David F. Dreis, M.D.	Virginia Mason 1100 Ninth, C8N P.O. Box 900 Seattle, WA 98111	Dr. Dreis is a medical expert as to pulmonary and other diseases.
Edward A. Gaensler, M.D. (by live testimony)	Professor, Surgery and Physiology, Thoracic Surgery Boston University Medical Center 80 East Concord Street Boston, MA 02118	Dr. Gaensler is a medical specialist in pulmonary diseases and thoracic surgery with special knowledge of asbestos-related diseases.
David Godwin, M.D.	Department of Radiology, SB-05 University of Washington Hospital Seattle, Washington 98195	Dr. Godwin is a board certified radiologist and a certified B-reader.
Dennis Hansen, M.D.	Virginia Mason South 33501 First Avenue South Federal Way, WA 98003	Dr. Hansen is a board certified cardiologist and an expert in diseases of the heart, who may testify to the cause, nature, diagnosis, prognosis and treatment of cardiovascular disease in general and/or regarding Eldon W. Holck.
Raymond D. Harbison, Ph.D.	Progress Center, Room N103 One Progress Blvd., Box 13 Alachua, Florida 32615	Dr. Harbison is a pharmacologist-toxicologist who will testify regarding the history, methods, and subject area of pharmacology and toxicology as it relates to all substances, including asbestos.
Elliott Hinkes, M.D.	301 North Prairie Avenue, Suite 311 Inglewood, CA 90301	Dr. Hinkes is a licensed physician specializing in oncology.
H. Corwin Hinshaw, M.D. (By live testimony or by deposition)	450 Sutter Street San Francisco, California	Dr. Hinshaw is a specialist in internal medicine with knowledge of state-of-the-medical art; knowledge of clinical aspects of pulmonary diseases; and knowledge of clinical aspects, diagnosis and causation of lung and gastrointestinal cancer.

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Robin Johnston, M.D.	Virginia Mason 1100 Ninth Avenue Seattle, Washington 98101	Dr. Johnston is a cardiologist and an expert in diseases of the heart, who may testify to the cause, nature, diagnosis, prognosis and treatment of cardiovascular disease in general and/or regarding Eldon W. Holck.
Reynold M. Karr, M.D.	3128 Norton Avenue Everett, Washington 98201	Dr. Karr is a board certified internist and rheumatologist with specific knowledge of rheumatologic diseases.
David Knowles, Ph.D.	P.O. Box 71 Edmonds, WA 98020	Dr. Knowles is an economist with knowledge of and expert opinions pertaining to economic issues raised by plaintiff, including the existence or nonexistence of economic losses and the extent thereof.
Robert F. Lane, M.D.	Northwest Cancer Center 1560 NW 115th Seattle, WA 98133	Dr. Lane is a licensed physician specializing in oncology.
Arthur M. Langer, Ph.D.	Mt. Sinai School of Medicine Associate Professor of Mineralogy New York, New York	Dr. Langer will testify regarding the effects of chrysotile asbestos fibers with respect to the causation and/or development of mesothelioma and other cancerous conditions as well as other health conditions and/or medical history pertinent to Eldon W. Holck's case.
James E. Lockey, M.D., M.S. (By live testimony or by deposition)	3848 Chimney Hill Drive Cincinnati, Ohio 45241	Dr. Lockey is a medical expert in Internal Medicine, Occupational Medicine and Pulmonary Medicine.
Carl Mangold	By deposition	Mr. Mangold is an industrial hygienist and was formerly employed at PSNS as an industrial hygienist.
James F. Morgan	612 Marion Avenue Havertown, PA19083	Mr. Morgan may provide expert and factual testimony that the government was aware of the health hazards of asbestos prior to 1942, and testimony regarding government contract shipyards.
William K.C. Morgan, M.D. (By live testimony or by deposition)	Director, Chest Diseases Unit, University Hospital University of Western Ontario P.O. Box 5339, Postal Station A	Dr. Morgan has knowledge of the pathology, diagnosis, testing and causation of pulmonary diseases and may testify with respect to the development of scientific knowledge pertaining to asbestos-related diseases.

NAME	ADDRESS	SUBJECT MATTER
	London, Ontario N6A SAS	
Kenneth Nelson	1894 Mill Creek Way Salt Lake City, Utah	Kenneth Nelson will testify about his work and the studies in which he participated relating to asbestos beginning as far back as the 1940's, including his work in industrial hygiene related to U.S. government shipyards and private shipyards.
A. Mitchell Polinsky	Stanford University Josephine Scott Crocker Professor of Law and Economics, Crown Quadrangle Stanford, CA 94306-8610	Dr. Polinsky is an economist with knowledge of and expert opinions pertaining to economic issues, economic losses and the extent thereof.
Lee B. Reichman, M.D., M.P.H.	College Hospital 100 Bergen Street Newark, NJ 07103	Dr. Reichman is a pathologist with knowledge regarding occupational diseases of the lung and the history of medical knowledge pertaining to major types of asbestos-related disease.
William Salyer, M.D.	Alta Bates Hospital 3001 Colby Plaza at Ashby Berkeley, California 94705	Dr. Salyer is a licensed physician and pathologist and the Director of Anatomic Pathology at Alta Bates Hospital and may testify as to various principles of pathology and their relationship to Eldon W. Holck's medical condition and concerning issues of his specialty as applicable to the medical issues presented by this case.
Robert Schoene, M.D.	Harborview Medical Center 325 Fifth Avenue Seattle, Washington 98104	Dr. Schoene is a medical expert as to pulmonary and other diseases.
Khalil Sheibani, M.D.	Division of Pathology City of Hope National Medical Center 1500 East Duarte Road Duarte, California 91010	Dr. Sheibani is an anatomic pathology expert with knowledge of the pathology of pulmonary disease, including asbestosis, mesothelioma and lung cancer, as well as knowledge of electron microscopy techniques and immunohistochemical techniques.
Dorsett D. Smith, M.D. (By live testimony or by deposition)	4310 Colby, Suite 201 Everett, Washington 98201	Dr. Smith is a pulmonary specialist and radiologist with "B" reader designation.
David Tinker,	Cardiovascular Diseases	Dr. Tinker is a cardiologist and an expert in

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M.D.	1225 Campbell Way Bremerton, WA98310	diseases of the heart who may testify as to the cause, nature, diagnosis, prognosis and treatment of cardiovascular disease in general, and/or regarding Eldon W. Holck.
Frederic Tobis, M.D.	2560 N. 115th St., Suite 2-1 Seattle, Washington 98133	Dr. Tobis is a cardiologist with knowledge of cardiology and the interrelationship of the pulmonary and cardiovascular systems who may testify as to Eldon W. Holck's cardiovascular functions, medical history, and the diagnoses and prognoses relevant to Eldon W. Holck's medical condition.
Hans Weill, M.D. (By live testimony or by deposition)	Occupational and Environmental Lung Disease Center Tulane University School of Medicine 1700 Perdido Street New Orleans, LA70122	Dr. Weill is a pulmonary specialist with knowledge of the clinical aspects of pulmonary diseases and the development of scientific knowledge concerning asbestos-related diseases who may testify regarding this knowledge and the medical condition, medical history and any diagnoses and prognoses relevant to Eldon W. Holck's medical condition.
Noel S. Weiss, Ph.D., M.D.	Chairman, Department of Epidemiology University of Washington, SC-36 Health Sciences Building, F263-D 1959 Pacific Avenue NE Seattle, WA 98195	Dr. Weiss is an expert in epidemiology, the statistical study of diseases in a population.
Louis Zibelli, M.D.	Group Health Eastside Redmond, WA98052	Dr. Zibelli is a cardiologist with knowledge of the pulmonary and cardiovascular systems who may testify as to Eldon W. Holck's cardiovascular functions, medical history and the diagnoses and prognoses relevant to his medical condition.
Douglas Fowler, Ph.D.	Fowler Associates 643 Bair Island Rd Suite 305 Redwood City, CA 94604	Dr. Douglas P. Fowler is an industrial hygiene consultant.
Jack E. Petersen, Ph.D., C.I.H., P.E.	2830 Via Viejas Oeste Alpine, California 91901	Mr. Peterson is a certified industrial hygienist.
William Hughson, M.D.	UCSD Center for Occupational &	Dr. Hughson is a licensed physician and an epidemiologist.

NAME	ADDRESS	SUBJECT MATTER
	Environmental Medicine Administrative Offices 200 West Arbor Drive San Diego, CA 92103-8800	
Edward B. Ilgren, M.D.	830 Montgomery Avenue, No. 503 Bryn Mawr, PA 19010	Dr. Ilgren is a licensed physician and pathologist. He will testify regarding the etiology and epidemiology of mesothelioma and other asbestos-related diseases.
James D. Crapo, M.D.	Professor of Medicine and Pathology; Chief of Division of Critical Case and Pulmonary Medicine; Board Certified Internal Medicine and Pulmonary Medicine; National Jewish Medical and Research Center 1400 Jackson Street Denver, CA 80206	Dr. Crapo is a licensed physician and pulmonary specialist who will testify regarding the epidemiology of asbestos exposure and the diseases caused by such exposure, and concerning issues of his specialty as applicable to the medical issues presented by this case.
Eldon W. Holck	Forest Grove, OR	Mr. Holck will testify as plaintiff.
Jacqueline M. Holck	Forest Grove, OR	Mrs. Holck will testify as plaintiff.

CBS also identifies: (1) all individuals whose names appear in the documents produced in this action, or to be produced in the future, by any party in this litigation; and (2) all individuals identified in depositions of employees or former employees of any defendant, or any co-worker witnesses that may have worked with or around Plaintiff Eldon W. Holck during his lifetime and would potentially have knowledge concerning the subject matter of this action. All such individuals are identified herein by this reference. CBS also specifically reserves the right to call any witness who is identified from any of the documents produced in this litigation by any party, or third-party, and further reserves the right to call any witnesses identified by any other party.

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1 In addition, CBS identifies the following categories of persons or entities who are likely
 2 to have discoverable information that CBS may use to support its defenses:

- 3 • Plaintiff Eldon W. Holck's treating physicians, nurses, therapists and other medical
 4 providers;
- 5 • Plaintiff Eldon W. Holck's current and former employers;
- 6 • Individuals with knowledge of the events at issue;
- 7 • Individuals with knowledge of the damages allegedly suffered by Plaintiffs; and
- 8 • Individuals with knowledge of the pain and suffering allegedly suffered by Plaintiffs.

9 By listing the above persons and entities, CBS makes no representation as to the personal
 10 knowledge of the individuals, or that the list includes all individuals who may have discoverable
 11 information as contemplated by Rule 26(a)(1)(A).

12 **II. Documents That May Be Used to Support Defenses.**

13 CBS hereby identifies and incorporates by reference the attached **Exhibit A** as
 14 documents in its possession, custody, or control that it may use to support its defenses. CBS
 15 reserves the right to supplement this list.

16 **III. Computation of Damages Claimed By Defendants.**

17 CBS is not alleging damages at this time. This response, however, does not waive any
 18 right or interest CBS may have in asserting a claim for damages, attorneys' fees, or costs of suit
 19 which may be appropriately asserted once the merits of the cross-claims asserted against it are
 20 adjudicated.

21 **IV. Insurance Agreement That May Satisfy Part or All of a Judgment.**

22 CBS objects to the disclosure of any information concerning any insurance agreements in
 23 this litigation. The disclosure of such information is not reasonably calculated to lead to the
 24 discovery of information admissible as evidence at trial. In addition, the attorney-client privilege
 25 and work product doctrines may protect such information from disclosure. Subject to and without

1 waiving these objections, CBS had numerous policies of insurance, both primary and excess or
2 umbrella policies, covering claims for alleged bodily injury. Coverage under the various policies
3 may depend on Plaintiffs' alleged dates of direct exposure, exposure in residence, manifestation,
4 or other pertinent dates. CBS is either insured and/or is self-insured and has assets sufficient to
5 respond to a judgment in this action.

6 DATED this 7th day of January, 2014.

7 s/Christopher S. Marks, WSBA #28634
8 Christopher S. Marks, WSBA #28634
9 Attorneys for Defendant CBS Corporation
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13 Telephone: (206) 462-7560
14 Email: Chris.Marks@sedgwicklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of January, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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